

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-3142

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Janice E. Buddemeier,

Appellant,

v.

Jo Anne B. Barnhart, Commissioner,  
Social Security Administration,

Appellee.

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Appeal from the United States  
District Court for the  
Eastern District of Arkansas.

[UNPUBLISHED]

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Submitted: April 6, 2004

Filed: April 22, 2004

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Before MELLOY, HANSEN, and COLLOTON, Circuit Judges.

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PER CURIAM.

Janice Buddemeier appeals the district court's<sup>1</sup> order dismissing her challenge to the Commissioner's denial of disability insurance benefits. We affirm.

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<sup>1</sup>The Honorable John F. Forster, Jr., United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

The Commissioner denied Buddemeier benefits in 1986 because her condition would not keep her from working for 12 consecutive months. In 1995, at Buddemeier's request, her case was reopened, but the Commissioner again denied benefits. An administrative law judge found in 1999 that the case was improperly reopened, and reinstated the 1986 denial as the final agency determination. When Buddemeier sought judicial review, the district court found that it lacked jurisdiction to hear the case.

Upon de novo review, see Boock v. Shalala, 48 F.3d 348, 351 & n.2 (8th Cir. 1995), we conclude dismissal was proper because the Commissioner's refusal to reconsider a previously denied claim is not a "final order" and is unreviewable absent a constitutional violation, see Robertson v. Sullivan, 979 F.2d 623, 625 (8th Cir. 1992) (per curiam). Accordingly, we affirm the judgment of the district court.

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